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PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/645,186

Examiner: Not Assigned

Filing Date: August 21, 2003

Group Art Unit: 3727

Inventor(s): David A. Busche et al.

Title: Easy Open Heat-Shrinkable Packaging

Attorney Docket No.: 20703-1

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on this date of

Apr 22, 2005.

By:

*Leslie Mills*  
Leslie Mills

INFORMATION DISCLOSURE STATEMENT  
IN COMPLIANCE WITH §1.97 AND §1.98

Dear Sir:

This Information Disclosure Statement and accompanying Form 1449 satisfies one of the requirements in the following paragraphs.

(a) In order for a patent to have an Information Disclosure Statement in compliance with §1.98 considered by the U.S. Patent Office during the pendency of the application, the Information Disclosure Statement must satisfy one of paragraphs (b), (c), or (d) of this section.

(b) The Information Disclosure Statement shall be considered by the U.S. Patent Office if filed by the Applicant within any one of the following time periods:

☐ Within three (3) months of the filing date of a national application other than a continued prosecution application under §1.53(d);

☐ Within three (3) months of the date of entry of the national stage as set forth in §1.491 in an international application;

☒ Before the mailing of a first Office Action on the merits; or

☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under §1.114.

(c) An Information Disclosure Statement shall be considered by the U.S. Patent Office if filed after the period specified in paragraph (b) of this section, provided that the Information Disclosure Statement is filed before the mailing date of any of a Final Action under §1.113, a Notice of Allowance under §1.311, or an Action that otherwise closes prosecution in the application, and it is accompanied by one of the following:

- ☐ The statement specified in paragraph (e) of this section; or
- ☐ The fee set forth in §1.17(p).

(d) An Information Disclosure Statement shall be considered by the U.S. Patent Office if filed by the applicant after the period specified in paragraph (c) of this section, provided that the Information Disclosure Statement is filed on or before payment of the Issue Fee and is accompanied by:

- ☐ The statement specified in paragraph (e) of this section; and
- ☐ The fee set forth in §1.17(p).

(e) An Information Disclosure Statement under this section must state either:

☐ That each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of the Information Disclosure Statement; or

☐ That no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in §1.56(c) more than three (3) months prior to the filing of the Information Disclosure Statement.

(f) No extensions of time for filing an Information Disclosure Statement are permitted under §1.136. If a *bona fide* attempt is made to comply with §1.98, but part of the

required content is inadvertently omitted, additional time may be given to enable full compliance.

(g) An Information Disclosure Statement filed in accordance with section shall not be construed as a representation that a search has been made.

(h) The filing of an Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in §1.56(b).

(i) If an Information Disclosure Statement does not comply with either this section or §1.98, it will be placed in the file but will not be considered by the U.S. Patent Office.

In accordance with §1.98, this Information Disclosure Statement filed under §1.97 shall include the items listed in paragraphs (a)(1), (a)2 and (a)3 of this section.

(1) A list of all patents, publications, applications, or other information submitted for consideration by the U.S. Patent Office. U.S. patents and U.S. patent application publications must be listed in a section separately from citations of other documents. Each page of the list must include:

(i) The application number of the application in which the Information Disclosure Statement is being submitted;

(ii) A column that provides a space, next to each document to be considered, for the Examiner's initials; and

(iii) A heading that clearly indicates that the list is an Information Disclosure Statement.

(2) A legible copy of:

(i) Each foreign patent;

(ii) Each publication or that portion which caused it to be listed, other than U.S. patents and patent application publications unless required by the U.S. Patent Office;

(iii) For each cited pending unpublished U.S. application, the application specification including the claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion; and

(iv) All other information or that portion which caused it to be listed.

(3)(i) A concise explanation of the relevance, as it is presently understood by the individual designated in §1.56(c) most knowledgeable about the content of the information, of

each patent, publication, or other information listed that is not in the English language. The concise explanation may be either separate from applicant's specification or incorporated therein.

(ii) A copy of the translation if a written English-language translation of a non-English-language document, or portion thereof, is within the possession, custody, or control of, or is readily available to any individual designated in §1.56(c).

(b)(1) Each U.S. patent listed in an Information Disclosure Statement must be identified by inventor, patent number, and issue date.

(2) Each U.S. patent application publication listed in an Information Disclosure Statement shall be identified by applicant, patent application publication number, and publication date.

(3) Each U.S. application listed in an Information Disclosure Statement must be identified by the inventor, application number, and filing date.

(4) Each foreign patent or published foreign patent application listed in an Information Disclosure Statement must be identified by the country or patent office which issued the patent or published the application, an appropriate document number, and the publication date indicated on the patent or published application.

(5) Each publication listed in an Information Disclosure Statement must be identified by publisher, author (if any), title, relevant pages of the publication,

(c) When the disclosures of two or more patents or publications listed in an Information Disclosure Statement are substantively cumulative, a copy of one of the patents or publications as specified in paragraph (a) of this section may be submitted without copies of the other patents or publications, provided that it is stated that these other patents or publications are cumulative.

(d) A copy of any patent, publication, pending U.S. application or other information, as specified in paragraph (a) of this section, listed in an Information Disclosure Statement is required to be provided, even if the patent, publication, pending U.S. application or other information was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless:

(1) The earlier application is properly identified in the Information Disclosure Statement and is relied on for an earlier effective filing date under 35 U.S.C. 120; and

(2) The Information Disclosure Statement submitted in the earlier application complies with paragraphs (a) through (c) of this section.

**In the event that any fee is necessary to allow consideration of this Information Disclosure Statement, such fee required is hereby authorized to be charged to Deposit Account No. 502023. A duplicate copy of this document is enclosed for your convenience.**

Respectfully submitted,

Dated: April 28, 2005

Tom J. Hall  
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